

REMARKS

Claims 1-12 are pending in the application. Claims 1, 9 and 10 are herein amended to place the application in better condition for examination. No new matter has been entered. It is respectfully submitted that this Amendment is fully responsive to Office Action dated December 29, 2006.

Claim Rejections - 35 U.S.C. §102

Claims 1-2 and 4 were rejected under 35 U.S.C. §102(e) as anticipated by *Tanaka et al.* (US 2006/0142888). Applicants respectfully disagree with the Examiner's anticipation rejection of these claims. However, to expedite prosecution and clarify the subject matter of the present invention, Applicants hereby amend claim 1 to emphasize that a total rating score is obtained by the claimed method. Thus, in view of this amendment and the following remarks, Applicants request that the Examiner withdraw the anticipation rejection of claims 1, 2 and 4.

Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. Here, *Tanaka et al.* does NOT teach or suggest a production process rating method for rating a production process on the basis of a predetermined rating standard. Instead, *Tanaka* describes a "monitoring device" for sample processing. *Tanaka's* monitoring device does NOT *prepare in advance plural data including performance rating items associated with rating values as rating indexes for a production process* and after a series of calculations *comprehensively rate the production process on the basis of the plural performance rating items*. See claim 1. Although *Tanaka's*

device purportedly monitors a number of signals with respect to samples processed in the processing apparatus, *Tanaka* does not teach or suggest comprehensively rating the production process according to a predetermined rating standard.

Moreover, the *Tanaka et al.* method does NOT add or subtract a point or points to or from the rating values OR perform another arithmetic operation for rating in accordance with the result of the judgment. The Examiner purports that the *Tanaka et al* method performs another arithmetic operation for rating (e.g., Figs. 5, 15, 18-19, 21-22, 27, 30-33; [0005-06]; [0008]; [0012-13]. However, this is different from the "judging" step in the claimed method. Therefore, even assuming that the *Tanaka et al.* method performs the judging step (e.g., Fig. 31), then the reference still does NOT teach or suggest performing any subsequent arithmetic operation for rating in accordance with the results of the judgment.

Moreover, the *Tanaka et al.* method does NOT include the step of obtaining a total rating score by adding or subtracting a point or points to or from the rating values or by performing another arithmetic operation for rating in accordance with the result of the judgment. Support for this limitation is found, for example, in paragraph [0141] of the present application. Instead, *Tanaka* merely describes a monitoring device which displays values of the monitoring signals as a two-dimensional graph in a time series manner (e.g. Fig. 2). Any monitoring signals deviating from the loci of earlier normal signals are judged to be abnormal. Such a "judgment" cannot be characterized as a "rating". There are no forms of arithmetic operation "rating" method mentioned in *Tanaka et al.* Neither is there any total rating scores obtained in *Tanaka et al.*

Accordingly, the cited reference fails to disclose, teach, or even suggest each and every limitation of the claimed invention. Thus, Applicants request that the anticipation rejection of claims 1, 2, and 4 be withdrawn because the rejection is unsupported by the cited art.

Claim Rejections - 35 U.S.C. §103

Claims 3, 5-8 and 9-12 were rejected under 35 U.S.C §103(a) as unpatentable over *Tanaka et al.* in view of Applicant's admitted prior art (Specification, Pages 1-2; Figs. 1-2).

Applicants disagree with the Examiner's obviousness rejection of these claims. However, to expedite prosecution and clarify the subject matter of the present invention, Applicants hereby amend claims 9 and 10 to emphasize that a total rating score is obtained by the claimed apparatus. Applicants submit that claims 9 and 10 are distinguishable from the cited reference for the reasons stated above.

Accordingly, in view of these amendments and the above remarks, Applicants request that the Examiner withdraw the obviousness rejection of claims 3, 5-8 and 9-12.

Conclusion

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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Response under 37 C.F.R. §1.116
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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